



WEB COPY



C.R.P.(PD).No.1165 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.1165 of 2024

Subramanian @ Ganesh

... Petitioner

VS

Lavanya

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed by the XVIII Metropolitan Magistrate Court at Saidapet arising out in CrI. M.P.No.7335 of 2022 in DVC No.117 of 2017 dated 18.11.2022 and to allow the petitioner Accused to prove his case with all necessary evidences and witnesses.

For Petitioner : Mr.T.R.Prabhakaran



C.R.P.(PD).No.1165 of 2024

ORDER

WEB COPY

The Civil Revision Petition is filed challenging the order passed by the XVIII Metropolitan Magistrate Court, Saidapet, Chennai dismissing the petition filed by the petitioner in CrI.M.P.No.7335 of 2022 to set aside the *exparte* order passed against him in D.V.C.No.117 of 2017.

2. The petition filed by the petitioner to set aside the *exparte* order passed against him in CrI.M.P.No.7335 of 2022 was dismissed for default of the petitioner. The nature of proceedings before Magistrate Court under Sections 18, 20 and 22 of Domestic Violence Act is civil in nature and hence, if the petition is dismissed for default, it is open to the petitioner to file appropriate application before the concerned Magistrate for restoration of the same. Instead of availing the effective alternative remedy available to the petitioner before the Court below, the petitioner herein rushed to this Court by invoking the supervisory jurisdiction of this Court.

3. In view of the availability of effective alternative remedy before the



C.R.P.(PD).No.1165 of 2024

Court below, this Court is not inclined to entertain the civil revision petition.

WEB COPY

4. Accordingly, the Civil Revision Petition is dismissed with liberty to petitioner to file appropriate application before the concerned Magistrate for restoration of the application, which was dismissed for default. No costs.

27.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The XVIII Metropolitan Magistrate Court,
Saidapet.



WEB COPY



C.R.P.(PD).No.1165 of 2024

S.SOUNTHAR, J.

dm

C.R.P.(PD).No.1165 of 2024

27.03.2024